

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ALAMAR CYRIL HOUSTON,

Plaintiff,

No. CIV S-03-1107 LKK KJM P

vs.

E. ROGERS, et al.,

Defendants.

ORDER TO SHOW CAUSE

On May 12, 2005, plaintiff filed a notice of change of address that plaintiff did not serve on defendants. On June 7, 2005, the court informed plaintiff that he must serve all documents filed in this matter on defendants. Also, the court ordered plaintiff to serve a copy of his notice of change of address on defendants and file a proper proof of service within fifteen days. Plaintiff was warned that failure to comply with the June 7 order might result in sanctions and that if he fails to serve upon defendants any documents filed in the future, this action could be dismissed.

Plaintiff has not complied with the June 7 order, and, since June 9, plaintiff has filed three documents (June 9 notice of change of address, June 15 motion for injunction and June 17 notice of change of address), none of which was served on defendants.

////

1 Good cause appearing, the court will deny plaintiff's June 15, 2005 motion for  
2 injunction and temporary restraining order and order plaintiff to show cause within twenty days  
3 why this matter should not be dismissed under Rule 41(b) of the Federal Rules of Civil  
4 Procedure for plaintiff's failure to comply with court orders.

5 Also, the court notes that defendants have asked that the court vacate the current  
6 deadline for discovery, the deadline for filing pretrial motions, the date for pretrial conference  
7 and the date for trial. Defendants' request will be granted and a new scheduling order will issue,  
8 if needed, at a later date.

9 In accordance with the above, IT IS HEREBY ORDERED that:

10 1. Plaintiff's June 15, 2005 motion for injunction and temporary restraining order  
11 is denied without prejudice;

12 2. Plaintiff show cause within twenty days why this matter should not be  
13 dismissed under Rule 41(b) of the Federal Rules of Civil Procedure for plaintiff's failure to  
14 comply with court orders;

15 3. Defendants' June 15, 2005 "Motion To Vacate Scheduling Order . . ." is  
16 granted; and

17 4. The dates established in the court's January 31, 2005 order for the close of  
18 discovery, the deadline for filing pretrial motions, pretrial conference and trial are vacated.

19 DATED: June 27, 2005.

20  
21   
22 UNITED STATES MAGISTRATE JUDGE  
23  
24  
25  
26